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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

EDWARD KEVIN HENRY,

Defendant and Appellant.

B194557

(Los Angeles County
Super. Ct. No. NA066223)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Charles D. Sheldon, Judge. Appeal dismissed.

Sharon Fleming, under appointment by the Court of Appeal, for Defendant
and Appellant.

No appearance for Plaintiff and Respondent.

Edward Kevin Henry was charged by information with 26 counts of second degree robbery in violation of Penal Code section 211 (counts 4 through 6, 8 through 30), three counts of attempted second degree robbery in violation of Penal Code sections 211 and 664 (counts 2, 3, and 7), and one count of grand theft of personal property in violation of Penal Code section 487, subdivision (a) (count 1). The information specially alleged that Henry had personally used a handgun within the meaning of Penal Code section 12022.53, subdivision (b) (counts 3, 5 through 8, 10, 11, 13 through 15, 17 through 30); that Henry committed the offenses while released from custody on bail under Penal Code section 12022.1 (all counts); and that Henry suffered a prior conviction for a serious felony (shooting at an inhabited dwelling, Pen. Code, § 246) within the meaning of Penal Code section 667, subdivision (a)(1) (all counts), which also qualified as a “strike” under the “Three Strikes” law (Pen. Code §§ 667, subds. (b)-(i), 1170.12, subds. (a)-(d)) (all counts).

Following jury selection a plea agreement was reached in which Henry pleaded no contest to 11 counts of second degree robbery (counts 4 through 6, 8 through 15) and admitted having suffered one prior “strike” felony conviction. In exchange, Henry received a 30-year state prison term, consisting of the five-year upper term for second degree robbery (count 4), doubled under the Three Strikes law; plus one-third the three-year middle term for each of the other 10 counts of second degree robbery (counts 5, 6, 8-15), doubled under the Three Strikes law. The remaining counts and special allegations were dismissed on the People’s motion. Henry was awarded 538 days of presentence credit. The trial court also imposed a \$200 restitution fine (Pen. Code, § 1202.4, subd. (b)) and imposed and stayed a \$200 parole revocation fine (Pen. Code, § 1202.45).

Henry filed a timely notice of appeal. His request for a certificate of probable cause was denied. We appointed counsel to represent him on appeal. After examination of the record, counsel filed an “Opening Brief” in which no issues were raised. On April 5, 2007, we advised Henry he had 30 days within which to personally submit any contentions or issues he wished us to consider. No response has been received to date.

We have examined the entire record and are satisfied Henry's attorney has fully complied with the responsibilities of counsel and no arguable issues exist. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 112-113; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

However, because Henry pleaded no contest and failed to obtain a certificate of probable cause, his notice of appeal is not operative; and the appeal must be dismissed. (*People v. Mendez* (1999) 19 Cal.4th 1084, 1096, 1099; *People v. Panizzon* (1996) 13 Cal.4th 68, 79.)

The appeal is dismissed.

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WOODS, J.

We concur:

PERLUSS, P. J.

ZELON, J.